

International Humanitarian Law and the Geneva Conventions





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IHL

- Treaties regulate the conduct of hostilities.
- DoD policy to adhere to these treaties



IHL

- Protects people who are not or are no longer participating in hostilities.
- Purpose- limit and prevent human suffering.



What kind of human rights
are commonly violated in
armed conflicts?

IHL

- Observed by governments and their armed forces.
- Geneva Conventions establish humanitarian protections.



IHL

- Protects people not taking part in the fighting
 - civilians
 - medics
 - chaplains
 - humanitarian aid workers



- Protects people who can no longer fight:
 - wounded or sick soldiers
 - prisoners of war



- Civilians and civilian property may not be the subject of a military attack



- Soldiers who have ceased to fight because of illness or injury are to be protected.



Prisoners of War

- Captors must respect (not attack) and protect (care for) those who surrender.



- Chaplains and assistants are protected.



Medical Personnel

- All AMEDD personnel assigned to AMEDD duties are protected.
- Two types of protection:
 - Protection from attack
 - Protection upon capture



Are support people who do not directly treat casualties in a protected status?



Protection from Attack

- Medical personnel are noncombatants.
- May lose protective status if performing duties that are “harmful to the enemy.”



Can medical people do anything other than treat patients?



Protection Upon Capture

- If captured, medical personnel are “retained personnel”, not POWs.
 - Can only be required to perform medical duties

Protection Upon Capture

- If captured, medical personnel are “retained personnel”, not POWs.
 - Must receive all benefits that POWs receive.
 - Retained only as long as needed to care for wounded.



Protected Medical Facilities and Transports

- All U.S. medical facilities/ transports display the emblem of the Geneva conventions.
- Emblems authorized are the “Red Cross” and the “Red Crescent.”



What if we deploy to a country that doesn't allow or recognize "Christian" symbols?

- Medical establishments may not be intentionally attacked.
- Medical supplies are not intentionally destroyed.



- Do not place medical facilities near military objectives, if at all possible



- Protected medical transports include:
 - ambulances
 - medical ships
 - medical air



Can a commander order the removal of the Red Cross and still use the vehicle for medical purposes?

Can a commander use an ambulance for a nonmedical purpose?

What about convoys? Are ambulances still protected?

Medical Aircraft

- Must be clearly marked.
- Flights over enemy territory are prohibited.
- Must obey summons to land.



Understanding Self-Defense

- Medical personnel are entitled to defend themselves and their patients.
- Small defensive arms are permitted.



What happens if medical personnel use these defensive weapons to fire at enemy soldiers?

- Use of or mounting of offensive weapons on dedicated medical evacuation vehicles jeopardizes the Geneva Convention



Treating and Guarding Detainees

- Refers to any person captured or detained in an armed conflict



Detainee Categories

- Enemy Prisoner of War (EPW)
- Civilian Internee (CI)
- Retained Person (RP)
- Other Detainees (OD)
- Enemy Combatant (EC)

Treating and Guarding Detainees

- We are required to afford certain rights to all detainees.



Why should we care about the welfare of the enemy?



- Always treat a captured person as a POW initially.
- 5 Ss:
 - Search
 - Segregate
 - Silence
 - Safeguard
 - Speed



- Medical standard of care for detainees is the same as for U.S. Forces.
- Priority based on severity of injury - not the uniform



- Detainees will not be left without medical care



Initial Actions Upon Capture

- Non-injured detainees will be evacuated as quickly as possible.
- Sick and wounded detainees will be evacuated separately.



Actions Upon Capture- Cavity Searches

- Body cavity searches performed for valid medical reasons- not part of routine intake PE.
- Cavity searches conducted only if there is a reasonable belief detainee is concealing items.
- Conducted by same gender, if possible.

Evacuation/Care of Detainees

- Units will categorize sick and wounded detainees as walking or non-walking wounded.
- Delivered to nearest medical facility.



Medical Care for Detainees

- Detainees will not be denied medical care



Medical Care for Detainees- Inprocessing

- Screening medical examination.
- Medical record created during in-process.
- Facility will provide Geneva Conventions in detainee language.

Care for Detainees - Outpatient

- Daily sick call - cared for separately.
- Military bearing maintained.

Care for Detainees - Outpatient

- Medical Support includes:
 - First Aid
 - Preventive Medicine
 - Medical Services
 - Coordinate Medical EPWs, CI and RP



Care for Detainees

- Every camp will have a clinic.
- Detainees can be isolated.
- Immunizations given.
- Serious illness/surgery.
- Rehabilitation.



Medical Care for Detainees

- Medical records kept at every level.
- Copies sent to ICRC.
- Monthly medical inspections.
- Periodic sanitary inspections.



Medical Care for Detainees

- Detainees will NOT be handcuffed or tied.
- Exceptions: medical restraint or to ensure safe custody.



Detainees

- Inhumane treatment is prohibited
- Protect against all violence



Transporting Detainees

- Provide sufficient:
 - Food
 - Water
 - Clothing
 - Shelter
 - Medical attention



- Medical personnel do not guard detainee patients.



Suppose you were given
an unlawful order? What
would you do?



Violations of the Law of War

- Try to get the order rescinded.
- Remind the person that the order is unlawful.
- Disregard the order.
- Report the violation.



Reporting Violations

- 1st option: Chain of Command
- Other options:
 - IG
 - Provost Marshall
 - MPs
 - Judge Advocate
 - Chaplain



A wounded EPW is in your facility. You think he knows the locations of enemy units; can you deny him medical treatment until he tells the interrogators what they want?

Protecting Civilians in Wartime

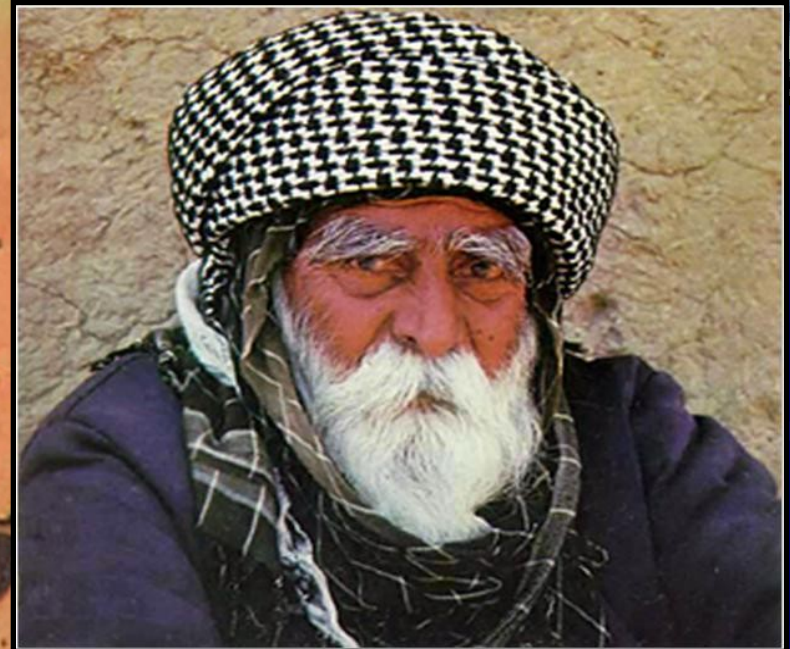
- Geneva Conventions contain specific rules to protect civilians.
- Safety, honor, family rights, religious practices, manners, and customs are to be respected.



A unit is conducting a search in an urban area. As they go from building to building, a few weapons are discovered. In one home, they find interesting art objects and decide to take them. Is this a war crime?

Protecting Civilians in Wartime

- Violence
- Discrimination
- Children



You are a soldier medic assigned to an infantry company which has successfully overrun an enemy position. You come across a medical unit just behind enemy lines.

What are your duties towards the medical personnel in the unit?

What are your duties towards the wounded being cared for?

You come across two enemy soldiers acting as litter bearers, carrying a wounded comrade.

How are they to be treated?

Questions?

